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<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional) 128534-01801 (07028591)						
EFS								
<p>I hereby certify that this correspondence is being <u>facsimile</u> transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" (37 CFR 1.8(a)) on <u>October 7, 2008</u></p> <p>Signature <u>Sheena Hicks</u></p> <p>Typed or printed name <u>Sheena Hicks</u></p>								
<p>In re Application of <b>Peter Brittingham et al.</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number <u>09/654,949</u></td> <td style="width: 50%;">Filed <u>September 1, 2000</u></td> </tr> <tr> <td colspan="2" style="text-align: center;">For Computer based test item generation</td> </tr> <tr> <td style="width: 50%;">Art Unit <u>3714</u></td> <td style="width: 50%;">Examiner <u>Ross A. Williams</u></td> </tr> </table>			Application Number <u>09/654,949</u>	Filed <u>September 1, 2000</u>	For Computer based test item generation		Art Unit <u>3714</u>	Examiner <u>Ross A. Williams</u>
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<p>Applicant hereby <b>appeals</b> to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p>								
<p>The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) <u>\$ 540.00</u></p>								
<p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <u>\$ 270.00</u></p>								
<p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p>								
<p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p>								
<p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</p>								
<p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>05-0426</u>.</p>								
<p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p>								
<p><b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>								
<p>I am the</p>								
<p><input type="checkbox"/> applicant/inventor.</p>								
<p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p>								
<p><input type="checkbox"/> attorney or agent of record. Registration number _____</p>								
<p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>44,929</u></p>								
<p><i>Marc D. McSwain</i> Signature</p>								
<p>Marc D. McSwain Typed or printed name</p>								
<p>(650) 331-2048 Telephone number</p>								
<p>October 7, 2008 Date</p>								
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>								

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 CFR 1.12 and 37 CFR 1.13. This collection is to take 12 minutes to complete, including reading the instructions, filling out the form, and reading the instructions again. The burden to the USPTO may vary depending upon the individual case. Any comments or suggestions on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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